

Ala. Code 1975, § 13A-11-61.2(d)

Possession or Carrying Firearm in Certain Places
(Locked)

The defendant is charged with possession or carrying a firearm in certain places.

A person commits the crime of possession or carrying a firearm in certain places if he/she does not keep a firearm from ordinary observation and locked within a compartment or in the interior of his/her motor vehicle or in a compartment or container securely affixed to the motor vehicle while on any of the following premises: **[Read as appropriate]**:

1. Inside the building of a police, sheriff, or highway patrol station;
2. Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting;
3. Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85;
4. Inside any facility hosting a professional athletic event not related to or involving firearms, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85; **(OR)**
5. Inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant did not keep a firearm, **[describe]**, from ordinary observation and did not lock it within a compartment or in the interior of his/her motor vehicle or in a compartment or container securely affixed to the motor vehicle;
- (2) The defendant was on the following premises: **[Read as appropriate]**:
 - (a) Inside the building of a police, sheriff, or highway patrol station;

- (b) Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting;
 - (c) Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85;
 - (d) Inside any facility hosting a professional athletic event not related to or involving firearms, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85;
(OR)
 - (e) Inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers;
- (3) **[Read if the defendant is charged under 2.3. or 2.4.]:** The defendant did so without a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85; **(AND)**
- (4) The defendant did so knowingly.

A *firearm* is a weapon from which a shot is discharged by gunpowder. [13A-8-1(5)]

[Read as appropriate]: Section 13A-11-75(a)(1)

[Read as appropriate]: Section 13A-11-85

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of possession or carrying a firearm in certain places, then you shall find the defendant guilty of possession or carrying a firearm in certain places.

If you find that the State has failed to prove any one or more of the elements of possession or carrying a firearm in certain places, then you cannot find the defendant guilty of possession or carrying a firearm in certain places.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

A person is not prohibited from possessing a firearm within his/her residence or during ingress or egress thereto. [13A-11-61.2(f)]

This statute does not apply to law enforcement officers engaged in the lawful execution of their official duties. [13A-11-61.2(g)]

[Approved 04-15-16.]